

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert Leo Terrio,)	
)	Civil Action No. 5:13-cv-1239-RMG-KDW
Plaintiff,)	
)	
v.)	
)	
Carolyn W. Colvin, Acting,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, by her attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and Marshall Prince, Assistant United States Attorney, has moved this court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. Mot., ECF No. 32. Counsel for Plaintiff has consented to the Motion for Remand. *See id.* at 1.

On order of the court, this case will be remanded to the Appeals Council. The Appeals Council will instruct the Administrative Law Judge (ALJ) to evaluate the claimant's application using the correct period at issue beginning June 22, 2010. In addition, the ALJ will be instructed to evaluate all available evidence and update the record as needed. Finally, the ALJ will be instructed to obtain supplemental vocational expert evidence to determine whether the claimant can perform other work at Step 5.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, the court hereby

GRANTS the Commissioner's Motion, ECF No. 32; and **REVERSES** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the

cause to the Commissioner for further administrative proceedings as set out above.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993). Plaintiff's Motion for Leave to File, ECF No. 27, is denied as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

March 19, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

¹The Clerk of Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.